

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Anael VASQUEZ-Diaz

AKA: Angel VASQUEZ-Diaz

Defendant.

Magistrate Case No.

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326

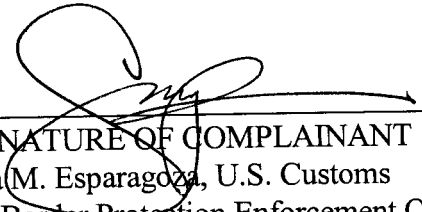
Attempted Entry After

Deportation

The undersigned complainant being duly sworn states:

On or about **January 1, 2008**, within the Southern District of California, defendant **Anael VASQUEZ-Diaz AKA: Angel VASQUEZ-Diaz**, an alien, who previously had been excluded, deported and removed from the United States to **Honduras**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara M. Esparagoza, U.S. Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 3rd DAY OF
JANUARY, 2008.


UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

On January 1, 2008 at approximately 2234 hours **Anael VASQUEZ-Diaz AKA: Angel VASQUEZ-Diaz (Defendant)** was apprehended at the San Ysidro Port of Entry attempting to elude inspection by walking through the pedestrian inspection booth without being inspected. The Customs and Border Protection (CBP) Officer that was manning the inspection booth noticed Defendant walked past him without inspection and commanded him to stop. Defendant ignored the order and proceeded toward the exit. The CBP Officer caught up to the Defendant and asked him for his entry documents. Defendant told the CBP Officer he had no documents and further added that he was going to San Diego. The CBP Officer escorted the Defendant to the secondary area and asked where he was born. Defendant made a comment in Spanish and followed by saying he was born in San Diego.

In secondary, Defendant's fingerprints were obtained and queried through the Integrated Automated Fingerprint Identification System (IAFIS) verifying Defendant's identity and criminal record. Defendant was identified as a criminal alien previously removed from the United States. Defendant was referred to the Prosecution Unit for further processing.

Further queries using the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed Defendant to be a citizen of Honduras with no legal documents to enter the United States. DACS indicates that on or about August 24, 1998 an Immigration Judge ordered Defendant deported from the United States and Defendant was subsequently removed to Honduras on September 22, 1998. DACS further shows Defendant was last removed from the United States to Honduras on or about December 20, 2007. Immigration service records contain no evidence that Defendant has applied for, nor received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.

Defendant was advised of his Miranda rights and agreed to submit to questioning without the benefit of counsel. A videotaped interview was obtained with the following declaration: Defendant declared to be a citizen of Honduras by birth in La Lima, Honduras who has no entitlement to entry, passage or residency in the U.S. Defendant also declared that he has been formally removed from the U.S. on at least four prior occasions with his most recent removal occurring about two weeks ago. Defendant has not applied for nor received authorization to re-enter the United States. Defendant said he attempted illegal entry into the U.S. in an effort to re-establish residency and was destined to San Diego, California.